

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Lynn Dickey *et al.* Confirmation No.: 5538
Appl No.: 10/675,011 Group Art Unit: 1638
Filed: September 30, 2008 Examiner: Li Zheng
For: EXPRESSION OF BIOLOGICALLY ACTIVE POLYPEPTIDES IN
DUCKWEED

September 22, 2011

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTIFICATION OF CHANGE OF SMALL ENTITY STATUS
ESTABLISHED IN ERROR 37 C.F.R. §1.28(c)(2)**

Applicants hereby submit that the small entity status, asserted in good faith on September 9, 2011, in connection with the above-identified application, is hereby withdrawn, and that the Request for a Refund under 37 C.F.R. §1.28(a) in the amount of **\$755**, to be credited to the Alston & Bird LLP Deposit Account 16-0605, also made in good faith on September 9, 2011, is hereby withdrawn. In accordance with 37 C.F.R. §1.28(c)(2)(ii), the circumstances leading to Applicants' withdrawal of the assertion of small entity status and withdrawal of this refund request, as well as the itemization of the deficient fee, are as follows.

The **Issue Fee** in the amount of **\$1,510** was timely paid in the above-identified application on August 12, 2011, via a charge against Alston & Bird LLP Deposit Account No. 16-0605 for Fee Code 1501, as shown on the enclosed statement for this account, dated August 2011, at page 7, line 32. The Issue Fee was paid based on large entity status as previously asserted for the above-identified application on June 22, 2007.

On September 9, 2011, Applicants in good faith claimed small entity status and electronically filed a Request for a Refund under 37 C.F.R. §1.28(a) in the above-identified application via the EFS-Web electronic filing system of the U.S. Patent and Trademark Office. The refund request was in the amount of **\$755**, which is the difference between the Issue Fee paid in the above-identified application based on large entity status and the Issue Fee owed based on the claim for small entity status (i.e., \$1510 paid - \$755 owed = **\$755 refund**). Applicants requested that this refund in the amount of **\$755** be credited to Deposit Account No. 16-0605.

The request for this refund and the claim for small entity status were made in good faith, as it was believed that small entity status was entitled to be asserted for the above-referenced application. It has now been discovered that such status as a small entity that was asserted on September 9, 2011, was established in error. Although the above-referenced application qualified for small entity status as of February 18, 2010, it has now been discovered that this small entity status changed as of May 12, 2010.

Accordingly, such small entity status, claimed in good faith on September 9, 2011, is hereby withdrawn. Applicants' Request for a Refund under 37 C.F.R. §1.28(a) in the amount of \$755, to be credited to Deposit Account 16-0605, which was also made in good faith on September 9, 2011, is hereby withdrawn.

Applicants note that on September 19, 2011, Deposit Account 16-0605 was credited the **\$755 refund** in connection with the Request for a Refund under 37 C.F.R. §1.28(a) that was filed on September 9, 2011, in the above-identified application, as shown on the enclosed statement for this account, dated September 2011, at page 11, lines 30-31. Accordingly, it is believed that the **fee deficiency now due for the Issue Fee** paid in the above-identified application is **\$755**.

The **\$755** fee deficiency is paid electronically herewith via authorization to charge Deposit Account 16-0605 in the amount of **\$755** in order to rectify this fee deficiency for the Issue Fee paid in the above-identified application. It is not believed that any further payment is due in connection with this communication; however, the Commissioner is hereby authorized to charge any such additional payment to Deposit Account No. 16-0605.

Respectfully submitted,

/leslie t. henry/

Leslie T. Henry
Registration No. 45,714

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Research Triangle Area Office (919) 862-2200
Fax Research Triangle Area Office (919) 862-2260
ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON SEPTEMBER 22, 2011.
LEGAL02/32876380v1



**United States
Patent and
Trademark Office**

Return To
USPTO
Home
Page

Finance
Online
Shopping
Page

Deposit Account Statement

Requested Statement Month: August 2011
Deposit Account Number: 160605
Name: ALSTON & BIRD LLP
Attention: BANK OF AMERICA
Street Address 1: 101 SOUTH TRYON STREET
Street Address 2: SUITE 4000
City: CHARLOTTE
State: NC
Zip: 28280-4000
Country: UNITED STATES

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/01 892	12171336	941-012560-US (D01)	1801	\$810.00	\$95,044.49
08/01 891	12171336	941-012560-US (D01)	1251	\$130.00	\$94,914.49
08/01 1432	12865265	033794/393357	8021	\$40.00	\$94,874.49
08/01 2216	11121746	042933/302232	1251	\$130.00	\$94,744.49
08/01 2755	13147062	033339/408543	1642	\$430.00	\$94,314.49
08/01 2754	13147062	033339/408543	1631	\$330.00	\$93,984.49
08/01 2756	13147062	033339/408543	1633	\$220.00	\$93,764.49
08/01 3128	11815954	038779/332231	1501	\$1,510.00	\$92,254.49
08/01 3129	11815954	038779/332231	1504	\$300.00	\$91,954.49
08/01 3928	13097859	054101/405123	2251	\$65.00	\$91,889.49
08/01 3941	12044345	033339/341760	1202	\$52.00	\$91,837.49
08/01 3942	12044345	033339/341760	1251	\$130.00	\$91,707.49
08/01 4290	11559024	035718/391315	1814	\$140.00	\$91,567.49
08/01 4289	11559024	035718/391315	1251	\$130.00	\$91,437.49
08/01 4362	13194308	057336/404267	4011	\$82.00	\$91,355.49
08/01 4363	13194308	057336/404267	2111	\$270.00	\$91,085.49
08/01 4364	13194308	057336/404267	2311	\$110.00	\$90,975.49
08/01 4632	61501117	057774-405181	2005	\$110.00	\$90,865.49
08/01 4633	61501117	057774-405181	2052	\$25.00	\$90,840.49
08/01 5840	11755207	50704.324548	1806	\$180.00	\$90,660.49
08/01 5926	10559959	042933/387242	1253	\$1,110.00	\$89,550.49
08/01 6142	11915200	042933/386017	1801	\$810.00	\$88,740.49
08/01 6141	11915200	042933/386017	1251	\$130.00	\$88,610.49
08/01 6320	12298426	038779/364075	1801	\$810.00	\$87,800.49
08/01 6659	13131461	046190/406029	1617	\$130.00	\$87,670.49
08/01 6826	13131461	046190/406029	8021	\$40.00	\$87,630.49
08/01 8056	13194625	031456/407378	1011	\$330.00	\$87,300.49
08/01 8058	13194625	031456/407378	1311	\$220.00	\$87,080.49
08/01 8059	13194625	031456/407378	1202	\$312.00	\$86,768.49
08/01 8057	13194625	031456/407378	1111	\$540.00	\$86,228.49
08/01 28	12995001	033339/399144	1251	\$130.00	\$86,098.49
08/01 6	13144580	058685/407782	1632	-\$540.00	\$86,638.49

17636 10898726	042933/278200	1801	\$810.00	\$87,334.49
08/12 1910 13120895	035718/403728	1681	\$270.00	\$87,064.49
08/12 1911 13120895	035718/403728	1252	\$490.00	\$86,574.49
08/12 2056 11459741	016360/291384	8021	\$40.00	\$86,534.49
08/12 2770 13099807	038190/405052	1462	\$400.00	\$86,134.49
08/12 3095 12235059	050898/342683	2202	\$78.00	\$86,056.49
08/12 3096 12235059	050898/342683	2201	\$110.00	\$85,946.49
08/12 4629 PCT/US11/47418	55111/408316	1701	\$1,264.00	\$84,682.49
08/12 4631 PCT/US11/47418	55111/408316	1704	\$2,443.00	\$82,239.49
08/12 4630 PCT/US11/47418	55111/408316	1703	\$300.00	\$81,939.49
08/12 4628 PCT/US11/47418	55111/408316	1801	\$240.00	\$81,699.49
08/12 4955 13207987	055111/408305	1011	\$330.00	\$81,369.49
08/12 4956 13207987	055111/408305	1111	\$540.00	\$80,829.49
08/12 4957 13207987	055111/408305	1311	\$220.00	\$80,609.49
08/12 4959 13207987	055111/408305	1201	\$220.00	\$80,389.49
08/12 4958 13207987	055111/408305	1202	\$884.00	\$79,505.49
08/12 5454 12062926	042933/341141	1801	\$810.00	\$78,695.49
08/12 5473 12603916	033339/381220	1806	\$180.00	\$78,515.49
08/12 6155 12342749	050704/365005	1801	\$810.00	\$77,705.49
08/12 6157 11806424	042933/374466	1252	\$490.00	\$77,215.49
08/12 6158 11806424	042933/374466	1801	\$810.00	\$76,405.49
08/12 7209 11585815	042933/374481	1251	\$130.00	\$76,275.49
08/12 7772 PCT/US11/47453	045011/409035	1701	\$1,264.00	\$75,011.49
08/12 7774 PCT/US11/47453	045011/409035	1704	\$2,443.00	\$72,568.49
08/12 7773 PCT/US11/47453	045011/409035	1703	\$655.00	\$71,713.49
08/12 7771 PCT/US11/47453	045011/409035	1601	\$240.00	\$71,473.49
08/12 7937 11470307	042933/315702	1251	\$130.00	\$71,343.49
08/12 8583 12403342	057449-394512	1253	\$1,110.00	\$70,233.49
08/12 8584 12403342	057449-394512	1806	\$180.00	\$70,053.49
08/12 12025 12952778	035510/398317	1251	\$130.00	\$69,923.49
08/12 12992 10675011	040989/267934	1504	\$300.00	\$69,623.49
08/12 12991 10675011	040989/267934	1501	\$1,510.00	\$68,113.49
08/12 13695 12534405	035718/373799	1501	\$1,510.00	\$66,603.49
08/12 13696 12534405	035718/373799	1504	\$300.00	\$66,303.49
08/12 13844 3023749	56479/390190	7205	\$100.00	\$66,203.49
08/15 58 3429847	46788/330360	7212	\$100.00	\$66,103.49
08/15 685 11887784	H0009321-2930	1601	\$1,510.00	\$64,593.49
08/15 686 11887784	H0009321-2930	1504	\$300.00	\$64,293.49
08/15 968 11628610	H0007233-2910	1504	\$300.00	\$63,993.49
08/15 967 11628610	H0007233-2910	1501	\$1,510.00	\$62,483.49
08/15 1338 09842466	35576/233803	1501	\$1,510.00	\$60,973.49
08/15 1339 09842466	35576/233803	1504	\$300.00	\$60,673.49
08/15 1364 12871731	42933/408081	8007	\$20.00	\$60,653.49
08/15 1901 PCT/US11/47553	35718/408391	1601	\$240.00	\$60,413.49
08/15 1902 PCT/US11/47553	35718/408391	1701	\$1,264.00	\$59,149.49
08/15 1903 PCT/US11/47553	35718/408391	1703	\$2,880.00	\$56,269.49
08/15 1904 PCT/US11/47553	35718/408391	1704	\$2,443.00	\$53,826.49
08/15 2703 12235167	050704/337436	1251	\$130.00	\$53,696.49
08/15 2748 PCT/US11/47567	35718/408356	1704	\$2,443.00	\$51,253.49
08/15 2747 PCT/US11/47567	35718/408356	1703	\$1,095.00	\$50,158.49
08/15 2745 PCT/US11/47567	35718/408356	1601	\$240.00	\$49,918.49
08/15 2746 PCT/US11/47567	35718/408356	1701	\$1,264.00	\$48,654.49
08/15 2900 13208855	050704/409167	1311	\$220.00	\$48,434.49
08/15 2899 13208855	050704/409167	1111	\$540.00	\$47,894.49

00145



**United States
Patent and
Trademark Office**

Return To:
USPTO
Home
Page

Finance
Online
Shopping
Page

Deposit Account Statement

Requested Statement Month: September 2011
Deposit Account Number: 160605
Name: ALSTON & BIRD LLP
Attention: BANK OF AMERICA
Street Address 1: 101 SOUTH TRYON STREET
Street Address 2: SUITE 4000
City: CHARLOTTE
State: NC
Zip: 28280-4000
Country: UNITED STATES

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
09/01	17641	77943700	06568/385934	7003	\$200.00	\$123,691.49
09/01	17877	12066889	031617/341757	2801	\$405.00	\$123,286.49
09/01	17876	12066889	031617/341757	2253	\$490.00	\$122,796.49
09/01	18130	13254035	058190-409739	2614	\$220.00	\$122,576.49
09/01	18131	13254035	058190-409739	2617	\$65.00	\$122,511.49
09/01	18128	13254035	058190-409739	2633	\$110.00	\$122,401.49
09/01	18127	13254035	058190-409739	2641	\$50.00	\$122,351.49
09/01	18126	13254035	058190-409739	2631	\$165.00	\$122,186.49
09/01	18129	13254035	058190-409739	2615	\$52.00	\$122,134.49
09/01	18460	11037574	048765/287266	1504	\$300.00	\$121,834.49
09/01	18459	11037574	048765/287266	1501	\$1,510.00	\$120,324.49
09/01	21693	11663790	021620-000200US	2252	\$245.00	\$120,079.49
09/01	22102	12363912	034423/365739	1252	\$490.00	\$119,589.49
09/01	22305	13222600	035576/409770	1311	\$220.00	\$119,369.49
09/01	22303	13222600	035576/409770	1011	\$330.00	\$119,039.49
09/01	22304	13222600	035576/409770	1111	\$540.00	\$118,499.49
09/01	22491	13222600	035576/409770	8021	\$40.00	\$118,459.49
09/01	22761	13222632	040990/409806	2311	\$110.00	\$118,349.49
09/01	22759	13222632	040990/409806	4011	\$82.00	\$118,267.49
09/01	22760	13222632	040990/409806	2111	\$270.00	\$117,997.49
09/01	22772	13172340	050704/405809	8021	\$40.00	\$117,957.49
09/01	22934	13222632	040990/409806	8021	\$40.00	\$117,917.49
09/01	22937	61529593	035718/395644	1005	\$220.00	\$117,697.49
09/01	22974	13222649	042933/NC75953US	1011	\$330.00	\$117,367.49
09/01	22977	13222649	042933/NC75953US	1201	\$660.00	\$116,707.49
09/01	22976	13222649	042933/NC75953US	1311	\$220.00	\$116,487.49
09/01	22975	13222649	042933/NC75953US	1111	\$540.00	\$115,947.49
09/01	23026	13222656	042933/406874	1311	\$220.00	\$115,727.49
09/01	23024	13222656	042933/406874	1011	\$330.00	\$115,397.49
09/01	23025	13222656	042933/406874	1111	\$540.00	\$114,857.49
09/01	23114	11997520	054101/339950	1504	\$300.00	\$114,557.49
09/01	23113	11997520	054101/339950	2501	\$755.00	\$113,802.49

09/16	9685	13233991	049663/409004	2311	\$110.00	\$126,574.49
09/16	9683	13233991	049663/409004	4011	\$82.00	\$126,492.49
09/16	9684	13233991	049663/409004	2111	\$270.00	\$126,222.49
09/16	9737	13175713	042933/406114	1051	\$130.00	\$126,092.49
09/16	9842	13175713	042933/406114	8021	\$40.00	\$126,052.49
09/16	9874	PCT/US11/51824	049663/410185	1703	\$34.00	\$126,018.49
09/16	9873	PCT/US11/51824	049663/410185	1701	\$1,406.00	\$124,612.49
09/16	9872	PCT/US11/51824	049663/410185	1601	\$240.00	\$124,372.49
09/16	9875	PCT/US11/51824	049663/410185	1709	\$1,157.00	\$123,215.49
09/16	9934	12146765	053260/342949	1402	\$540.00	\$122,675.49
09/16	13947	11647425	042933/374402	1252	\$490.00	\$122,185.49
09/16	13948	11647425	042933/374402	1801	\$810.00	\$121,375.49
09/16	4	12874814	042933/395040	1814	\$140.00	\$121,235.49
09/16	16071	61406441	046143/394550/EBC	8021	\$40.00	\$121,195.49
09/16	16196	12534714	035718/373795	1504	\$300.00	\$120,895.49
09/16	16195	12534714	035718/373795	1501	\$1,510.00	\$119,385.49
09/16	18346	11872380	045711/332391	1253	\$1,110.00	\$118,275.49
09/16	18537	85424634	46784/409729	7001	\$2,275.00	\$116,000.49
09/16	3	13056209	046190/400459	1504	-\$300.00	\$116,300.49
09/19	1244	13173502	058361/406939	2051	\$65.00	\$116,235.49
09/19	1278	29360087	105289/384052	1502	\$860.00	\$115,375.49
09/19	1434	10538024	034423/292784	1504	\$300.00	\$115,075.49
09/19	1433	10538024	034423/292784	1501	\$1,510.00	\$113,565.49
09/19	1524	11569012	033339/319868	1504	\$300.00	\$113,265.49
09/19	1523	11569012	033339/319868	1501	\$1,510.00	\$111,755.49
09/19	1569	13112282	033794/405887	8021	\$40.00	\$111,715.49
09/19	1853	12100596	042933/407663	1253	\$1,110.00	\$110,605.49
09/19	3035	13056209	046190/400459	1803	\$130.00	\$110,475.49
09/19	3036	13056209	046190/400459	1505	\$300.00	\$110,175.49
09/19	1	10675011	040989/267934	1501	-\$1,510.00	\$111,685.49
09/19	2	10675011	040989/267934	2501	\$755.00	\$110,930.49
09/19	3429	13257104	033339/410221	1633	\$220.00	\$110,710.49
09/19	3427	13257104	033339/410221	1631	\$330.00	\$110,380.49
09/19	3428	13257104	033339/410221	1642	\$430.00	\$109,950.49
09/19	3929	12100764	042933/341047	1401	\$540.00	\$109,410.49
09/19	3928	12100764	042933/341047	1253	\$1,110.00	\$108,300.49
09/19	4867	11817098	047935/332809	1806	\$180.00	\$108,120.49
09/19	4866	11817098	047935/332809	2251	\$65.00	\$108,055.49
09/19	5723	10569433	033794/308077	1253	\$1,110.00	\$106,945.49
09/19	5793	12003651	042933/378619	1253	\$1,110.00	\$105,835.49
09/19	6236	11769951	042933/327990	1401	\$540.00	\$105,295.49
09/19	6235	11769951	042933/327990	1253	\$1,110.00	\$104,185.49
09/19	6259	13176941	058108/407759	1051	\$130.00	\$104,055.49
09/19	6492	13176941	058108/407759	8021	\$40.00	\$104,015.49
09/19	6831	13234926	038494/409964	1311	\$220.00	\$103,795.49
09/19	6830	13234926	038494/409964	1111	\$540.00	\$103,255.49
09/19	6829	13234926	038494/409964	1011	\$330.00	\$102,925.49
09/19	8677	13175439	033339/407544	1051	\$130.00	\$102,795.49
09/19	8801	13175439	033339/407544	8021	\$40.00	\$102,755.49
09/19	9003	12464661	034183/370064	1801	\$810.00	\$101,945.49
09/19	9002	12464661	034183/370064	1252	\$490.00	\$101,455.49
09/19	9827	61535798	038151-407293	2005	\$110.00	\$101,345.49
09/19	9907	13131835	034691/405310	1617	\$130.00	\$101,215.49
09/19	10017	13131835	034691/405310	8021	\$40.00	\$101,175.49